

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANDRE C. BISASOR, et al.,)	
)	
Plaintiffs)	
)	
v.)	1:24-cv-00360-NT-JCN
)	
NEW HAMPSHIRE JUDICIAL)	
BRANCH, et al.,)	
)	
Defendants)	

**ORDER ON AMENDED MOTION TO EXTEND TIME
TO AMEND COMPLAINT**

On January 8, 2025, Plaintiffs moved to extend the time to serve the complaint and summons on each of the defendants. (Motion, ECF No. 16.) In their motion, Plaintiffs expressed their intention to amend their complaint. The Court granted the motion, extending the deadline to April 11, 2025, in part to permit Plaintiffs the opportunity to file the amended complaint before the Court determined whether Plaintiffs have alleged a claim within the Court’s jurisdiction. (Order, ECF No. 18.) That is, the Court noted that the Court would review the anticipated amended complaint, if filed, or the original complaint, to determine if Plaintiffs have alleged an actionable claim within the Court’s jurisdiction. *See Spooner v. EEN, Inc.*, 644 F.3d 62, 67 (1st Cir. 2011) (“A court is duty-bound to notice, and act upon, defects in its subject matter jurisdiction sua sponte.”); *Evans v. Suter*, No. 09-5242, 2010 WL 1632902, at *1 (D.C. Cir. Apr. 2, 2010) (“Contrary to appellant’s assertions, a district court may dismiss a complaint sua sponte prior to service on the defendants pursuant to Fed.R.Civ.P. 12(h)(3) when, as here, it is evident that the court lacks

subject-matter jurisdiction”). The Court set February 5, 2025, as the date by which Plaintiffs were to file the amended complaint.

Plaintiffs now move to extend the deadline for the filing of the amended complaint. (Amended Motion to Extend Time, ECF No. 27.) In the motion, Plaintiffs assert that they intended to amend their complaint after service on the defendants. The Court’s order setting a deadline for the filing of the amended complaint was not intended to limit Plaintiffs’ ability to amend their complaint in accordance with Federal Rule of Civil Procedure 15. Rather, the Court established the February 5, 2025, deadline for Plaintiffs to file their amended complaint if they wanted the Court to review the amended complaint, rather than their original complaint, when assessing whether they have alleged a claim within the Court’s jurisdiction.

Given Plaintiffs’ preference to amend the complaint after the defendants are served, the Court will review the existing complaint to determine whether Plaintiffs have alleged an actionable claim within the Court’s subject matter jurisdiction. Plaintiffs, therefore, are not required to file their amended complaint by February 5, 2025. Plaintiffs’ request to amend the complaint, if filed, will be governed by Rule 15. Accordingly, the Court dismisses as moot Plaintiffs’ amended motion to extend the time to file an amended complaint.¹

¹ The Court also dismisses Plaintiffs’ original motion to extend time to amend their complaint. (Motion to Extend Time, ECF No. 26.)

NOTICE

Any objections to this Order shall be filed in accordance with Federal Rule of Civil Procedure 72.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 4th day of February, 2025.